

TYPE OR PRINT  
IN BLACK INK

(For instructions, see  
booklet: "How to File an  
Application to Appropriate  
Water in California")



## California Environmental Protection Agency

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
www.waterrights.ca.gov

APPLICATION NO. 31774  
(leave blank)

# APPLICATION TO APPROPRIATE WATER

## SECTION A: NOTICE INFORMATION

2009 JUN 7 PM 3:13  
DIV OF WATER RIGHTS  
SACRAMENTO  
STATE WATER RESOURCES  
CONTROL BOARD

### 1. APPLICANT/AGENT

a.

	APPLICANT	ASSIGNED AGENT (if any)
Name	Brian Lowell	James C. Hanson, Consulting Civil Engr.
	Kristen Lowell	444 N. Third Street, Suite 400
Mailing Address	2321 Cobalt Lane	Sacramento, CA 95811
City, State & Zip	Brentwood, CA 94513	
Telephone	(925) 240-6949	
Fax		
E-mail		

### 2. OWNERSHIP INFORMATION (Please check type of ownership.)

- ☐ Sole Owner ☐ Limited Liability Company (LLC) ☐ General Partnership\*  
☐ Limited Partnership\* ☐ Business Trust ☒ Husband/Wife Co-Ownership  
☐ Corporation ☐ Joint Venture ☐ Other \_\_\_\_\_

\*Please provide a copy of your partnership agreement.

### 3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.)

See attachment No. 1

☐ For continuation, see Attachment No. \_\_\_\_\_

### 4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)
Recreation					64.5	Nov 1	April 30
Fire protection							
Domestic							
Fish culture							

☐ See Attachment No. \_\_\_\_\_

\* If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

b. Total combined amount taken by direct diversion and storage during any one year will be 64.5 acre-feet.

c. Reservoir storage is: ☒ onstream ☐ offstream ☐ underground (If underground storage, attach Form APP-UGSTOR.)

d. County in which diversion is located: Tehama County in which water will be used: Tehama

e. Assessor's Parcel Number(s): 021-070-15-1

b. State Planar and Public Land Survey Coordinate Description:

POD/ PORD #	CALIFORNIA COORDINATES (NAD 27)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWN -SHIP	RANGE	BASE AND MERIDIAN
1	Northing 1,948,200 Easting 6,402,800	1	NE ¼ of SW ¼	20	27N	6W	MDB&M
			¼ of ¼				
			¼ of ¼				
			¼ of ¼				

☐ See Attachment No. \_\_\_\_\_

c. Name of the post office most often used by those living near the proposed point(s) of diversion:

Red Bluff post office

6. WATER AVAILABILITY

- a. Have you attached a water availability analysis for this project? ☒ YES ☐ NO See attachment No. 2  
If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation:

☐ See Attachment No. \_\_\_\_\_

- b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board during your proposed season of diversion? ☐ YES ☒ NO
- c. In an average year, does the stream dry up at any point downstream of your project? ☒ YES ☐ NO If YES, during which months? ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☒ May ☒ Jun ☒ Jul ☒ Aug ☒ Sep ☒ Oct ☐ Nov ☐ Dec
- d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.)

Well water

☐ See Attachment No. \_\_\_\_\_

7. PLACE OF USE NONE (a) recreation (Lowell Reservoir) (b) domestic

	USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
						Acre	Presently cultivated?
(a)	NE ¼ of SW ¼	20	27N	6W	MD		<input type="checkbox"/> YES <input type="checkbox"/> NO
(b)	NW ¼ of SW ¼	20	27N	6W	MD		<input type="checkbox"/> YES <input type="checkbox"/> NO
	¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
	¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
	¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
	¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
	¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
	¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
Total:							

\*Please indicate if section is projected with a "(P)" following the section number.

☐ See Attachment No. \_\_\_\_\_



## SECTION B: MISCELLANEOUS DIVERSION INFORMATION

### 1. JUSTIFICATION OF AMOUNTS REQUESTED

- a. ☐ IRRIGATION: Maximum area to be irrigated in any one year: \_\_\_\_\_ acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-feet/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)

☐ See Attachment No. \_\_\_\_\_

- b. ☒ DOMESTIC: Number of residences to be served: 1 Separately owned? ☐ YES ☒ NO  
 Number of people to be served: 2 Estimated daily use per person is: 75 gallons per day  
 Area of domestic lawns and gardens: \_\_\_\_\_ square feet  
 Incidental domestic uses: \_\_\_\_\_  
 (dust control area, number and kind of domestic animals, etc.)

- c. ☐ STOCKWATERING: Kind of stock: \_\_\_\_\_ Maximum number: \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (feedlot, dairy, range, etc.)

- d. ☒ RECREATIONAL: Type of recreation: ☒ Fishing ☐ Swimming ☒ Boating ☐ Other \_\_\_\_\_

- e. ☐ MUNICIPAL:

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

☐ See Attachment No. \_\_\_\_\_

Month of maximum use during year: \_\_\_\_\_ Month of minimum use during year: \_\_\_\_\_

- f. ☐ HEAT CONTROL: Area to be heat controlled: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 Heat protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

- g. ☐ FROST PROTECTION: Area to be frost protected: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 The frost protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

- h. ☐ INDUSTRIAL: Type of industry: \_\_\_\_\_  
 Basis for determination of amount of water needed: \_\_\_\_\_

- i. ☐ MINING: Name of the claim: \_\_\_\_\_ ☐ Patented ☐ Unpatented  
 Nature of the mine: \_\_\_\_\_ Mineral(s) to be mined: \_\_\_\_\_  
 Type of milling or processing: \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)

## 2. DIVERSION AND DISTRIBUTION METHOD

a. Diversion will be by gravity by means of: Dam  
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: \_\_\_\_\_  
(sump, offset well, channel, reservoir, etc)

Pump discharge rate: \_\_\_\_\_ ☐ cfs or ☐ gpd Horsepower: \_\_\_\_\_ Pump Efficiency: \_\_\_\_\_

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	

☐ See Attachment No. \_\_\_\_\_

d. Storage reservoirs: (For underground storage, complete and attach form APP-UGSTOR)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
1	23 feet	Earth	650'	4 feet	6 acres	64.5	22

☐ See Attachment No. \_\_\_\_\_

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter (inches)	Length (feet)	Fall: vertical distance between entrance and exit of outlet pipe (feet)	Head: vertical distance from spill- way to entrance of outlet pipe (feet)	Dead Storage: storage below entrance of outlet pipe (acre-feet)
1	10"	175'	2'	23'	5af

☐ See Attachment No. \_\_\_\_\_

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be \_\_\_\_\_ cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity

## 3. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain. None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? ☐ Weir ☐ Meter ☐ Periodic sampling ☒ Other (describe)  
When reservoir fills, surface flow into reservoir spills into natural  
channel that continues on below dam.  
\_\_\_\_\_  
\_\_\_\_\_

## 4. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used? ☒ YES ☐ NO



water diversion and use, if applicable. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion? None

☐ See Attachment No. \_\_\_\_\_

## 6. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? ☐ Yes ☒ No If yes, please explain: \_\_\_\_\_

## 7. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cfs by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1000 acre-feet per annum by underground storage. See the instruction booklet for more information.

☐ See Attachment No. \_\_\_\_\_

## SECTION C: ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Resources Control Board (SWRCB) must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the SWRCB is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

### 1. COUNTY PERMITS

- a. Contact your county planning or public works department and provide the following information:

Person contacted Luanne @ Planning Dept. Date of contact: 4/23/2009  
Department: Planning Department Telephone: ( 530 ) 527-2200  
County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project? ☐ YES ☒ NO If YES, check appropriate box below:

☐ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning

☐ General plan change ☐ Other (explain): \_\_\_\_\_

- b. Have you obtained any of the required permits described above? ☐ YES ☐ NO

If YES, provide a complete copy of each permit obtained.

☐ See Attachment No. \_\_\_\_\_

### 2. STATE/FEDERAL PERMITS AND REQUIREMENTS NONE

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? ☒ YES ☐ NO

If YES, explain: Applicant constructed a dam across an unnamed stream on his property and created an onstream reservoir.

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☐ See Attachment No. \_\_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO

If YES, name and telephone number of contact: Kim Burns (530) 225-2300

### 3. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? ☐ YES ☒ NO

- c. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_

- d. If NO, check the appropriate box and explain below, if necessary:

☐ The applicant is a California public agency and will be preparing the environmental document.\*

☒ I expect that the SWRCB will be preparing the environmental document.\*\*

☐ I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your application cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the SWRCB, Division of Water Rights.

### 4. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? ☐ YES ☒ NO

☐ YES ☒ NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

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☐ See Attachment No. \_\_\_\_\_

- b. Will a waste discharge permit be required for your project? ☐ YES ☒ NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

- c. What method of treatment and disposal will be used? \_\_\_\_\_

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☐ See Attachment No. \_\_\_\_\_

### 5. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? ☐ YES ☒ NO

- b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☒ NO

- c. Do you know of any archeological or historic sites located within the general project area? ☐ YES ☒ NO

If YES, explain: \_\_\_\_\_

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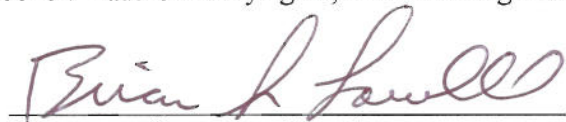
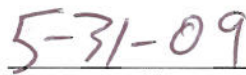
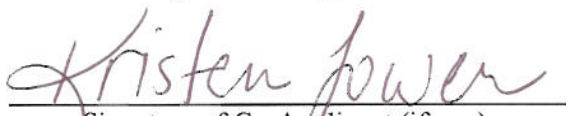
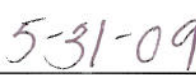
## SECTION D: SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website ([www.waterrights.ca.gov](http://www.waterrights.ca.gov)).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the environmental review fee, payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. Your application will be returned to you if it is not accompanied by all required fees.

## SECTION E: DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

		
Signature of Applicant	Title or Relationship	Date
		
Signature of Co-Applicant (if any)	Title or Relationship	Date



### "APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- ☐ Answer each question completely in Sections A, B, and C.
- ☐ Number and include all necessary attachments.
- ☐ Include a legible map that meets the requirements discussed in the instruction booklet (Item B6).
- ☐ Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation (Item A6).
- ☐ Include three complete sets of color photographs of the project site (Item C6).
- ☐ Enclose a check for the required fee, payable to the Division of Water Rights, as specified in Section D.
- ☐ Enclose a \$850 check for the environmental review fee, payable to the

**ATTACHMENT TO ACCOMPANY  
APPLICATION FOR APPROPRIATION OF WATER  
BY  
BRIAN LOWELL**

**ATTACHMENT NO. 1**

**PROJECT DESCRIPTION**

This project involves maintaining storage in an existing 64.5 acre-foot reservoir located on an unnamed stream tributary to Cottonwood Creek thence the Sacramento River (see attached map). The water will be used for fire protection, fish culture, recreation and limited domestic uses. It is assumed that in an average year, the applicant will divert that amount required to offset losses due to evaporation and seepage, which is conservatively estimated at 24 acre-feet per year (4 acre-feet evaporation loss over a reservoir surface area of approximately 6 acres). Domestic use is estimated at 75 gallons per day for 2 people, for a total of 0.17 acre-feet per year. No construction will occur as a result of this application.